IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	
Daniel I. Flitcroft et al.	Group Art Unit: 3628
Application No.: 09/548,659	Examiner: Jeffery C. Pwu
Filed: April 13, 2000	Confirmation No.: 7683
For: DATA STRUCTURE, METHOD AND SYSTEM FOR GENERATING PERSON-TO-PERSON, PERSON-TO-BUSINESS, BUSINESS-TO-PERSON, AND BUSINESS TO BUSINESS FINANCIAL TRANSACTIONS	Appeal No.: Unassigned

BRIEF FOR APPELLANTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the decision of the Examiner dated April 7, 2004, finally rejecting claims 1-34, which are reproduced in Appendix A of this Brief.

A check covering the requisite fee under 37 CFR 41.20(b)(2) accompanies this Brief. The Commissioner is authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

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I. Real Party in Interest

The real party in interest with respect to this application is Orbis Patents LTD, the assignee of record in this application by virtue of the Assignment submitted on August 2, 2000.

II. Related Appeals and Interferences

There are no other prior and pending appeals, interferences or judicial proceedings known to the Appellants, the Appellants' legal representative, or the assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

III. Status of Claims

The claims currently pending in this application are claims 1-34, all of which stand finally rejected. Claims 1-34 are being appealed.

IV. Status of Amendments

No amendments were filed after final rejection.

V. Summary of Claimed Subject Matter

The claims on appeal are generally directed to systems and methods for making and receiving payments in financial transactions, and more particularly, systems and methods that utilize a personal payment number (PPN) for facilitating receipt of payments from individuals or businesses without the need or worry of

revealing account information or establishing themselves as a credit/debt card accepting merchant.

As discussed in the application starting at line 15 of page 1, existing systems such as systems based on bank checks or bank transfers involve either the payer or the payee revealing details about their bank account to at least the other party. For instance, the recipient of a check sees the payer's bank account and routing information on the check, and with a bank transfer the recipient/payee must provide their account information to the sender/payer. In a global situation where the two parties may have never had met, sharing of such information may be sufficient cause for concern to deter one or other party from proceeding. Also, different checking and bank transfer systems can reduce the effectiveness of the financial transaction.

At the same time, the global credit/debit card system provides an ideal mechanism for receiving payment, but under normal circumstances requires the recipient to be a credit card accepting merchant. Being a credit card accepting merchant may not be cost-effective, difficult or even impossible for some people or businesses wanting receiving payments.

In several systems currently in use for receiving payments, the recipient must give either a credit/debit card number or bank account number to a third party (e.g., a payer or other intermediary). In the case of using a credit/debit card, payment is made by initiating a "refund" transaction even though there was no matching initial payment since the payment was made another party. This refund mechanism, however, presents two key problems. First, a refund transaction results in an interchange fee of an amount equal to a percentage of the transaction cost being charged to the receiving party's bank. The second problem concerns the need for a

payment recipient to reveal confidential information, such as his or her actual credit card number, which increases the potential for fraud and misuse of that information.

In addition, several of the existing systems for receiving payment require the recipient to receive an e-mail notification that someone wishes to pay funds to them. The recipient then must follow a link in the email to a site where he/she must enter their credit or bank account details to receive the funds. Clearly, a fraudulent message offering a prize, a non-existent payment, etc., could easily lead to innocent victims giving over their credit card details which could then be misused by the perpetrator of the fraud.

The ability to receive funds using a simple, rapid and secure system without the need to be a formal credit card accepting merchant will be of benefit to a wide range of users. For example, the rise of online auction services (such as those developed by eBay and Amazon) means that many individuals may occasionally require a means of receiving funds remotely, such as over the Internet. Also, the widespread "shareware" software distribution system provides a mechanism for software written by individuals to be distributed on a global basis. Shareware authors are generally individuals that do not have the organizational support to handle global payments. A system that can provide a global payment solution with minimal overhead would be very attractive to these as well as many other users.

Additionally, the growing global electronic commerce environment makes it possible for individuals and companies to offer their service remotely over the Internet or other public, semipublic or closed network. Such services (e.g., programming, translation, writing, clerical, accounting, web-page design, etc) will typically be provided remotely and not require any direct physical interaction

between the provider of the service and the service user. The two parties to such an arrangement may never have met raising the issue of mutual trust. In addition they may be in different countries and this produces problems for currency exchange or incompatibility of bank transfer systems as well legal challenges if a non-payment dispute arises. A simple, rapid global payment solution would be of benefit in such situations.

The present invention addresses these and other problems and needs with a new form of credit/debit card number, coined a personal payment number (PPN). As described in the application starting at line 9 of page 5, a PPN is associated with an account number of the recipient of a payment. The associated account, however, is limited to prevent it being used for any purchases. That is, it is expressly designed for the purpose of receiving funds.

A PPN includes routing information to direct financial transaction information to a particular site among a plurality of sites on a computer network. It also includes and a unique identification of a user (i.e., a recipient or payee). The PPN identifies an account associated with the payee to which funds can be transferred but from which funds cannot be transferred.

Because a PPN can only be used to receive funds into an associated account, it is of no benefit to any other party. A personal payment number (PPN) can therefore be revealed without any concern for fraudulent misuse. Any such misuse would only benefit the PPN number holder. In effect it represents an inverse debit/credit card, allowing payment directly into an account rather than from an account.

Various aspects of the invention are broadly encompassed by the appealed claims, which are now described:

A. Independent Claim 1

Claim 1 is directed to a memory for storing data for facilitating a financial transaction originating from a payer in a computer network. For example, as illustrated in Fig. 1 and described, for example, at page 7, line 24 to page 8, line 5, page 10, lines 10-21, page 13, lines 8-25, page 16, lines 8-14, page 17, and lines 11-25 of the application, the memory at issue here may be a memory 142 of a personal computer 104, memory storing software, a remote database 122/126 (e.g., a server memory accessible via an electronic network, such as the Internet 112, a wireless network 138/140 or an ATM 108), memory storing email, a smart card, a magnetic strip and a memory of a radio unit 140 for storing data for storing data for facilitating a financial transaction originating from a payer in a computer network. With reference to the example of Fig. 2 and the description beginning at page 11, line 1, the memory includes a data structure for access by a payer to initiate a financial transaction originating from the payer. The data structure includes a personal payment number format having routing information 201 to direct financial transaction information to a particular institution among a plurality of institutions using the computer network and a unique identification of a payee 202 associated with said particular institution. The personal payment number identifies an account into which funds can be transferred but from which funds cannot be transferred (e.g., see page 11, lines 23-25).

B. Independent Claim 10

Independent claim 10 is directed to a personal payment number processing system in which system elements are recited in mean-plus-function format.

The processing system comprises a means for allocating personal payment numbers to payees. The personal payment numbers are allocated by user request or may be allocated automatically, for example, by a bank to account holders (page 14, lines 15-16). The allocation system provides a personal payment number associated with the user (i.e., payee) account. (See, for example, page 9, lines 11-24, page 15, lines 9-15, page 16, lines 1-6, and Fig. 1). With reference to page 22, lines 13-22 of the application, a site or a bureau may allocate personal payment numbers on behalf of a plurality of banks. Alternatively, banks can allocate their own personal payment number allocation.

With reference to the example shown in Fig. 2 and the description thereof at page 11, lines 19-25 of the application, for example, each personal payment number includes routing information 201 and information 202 identifying a payee, and the personal payment number identifies an account associated with a payee into which funds can be transferred but from which funds cannot be transferred.

The personal payment number processing system includes means for initiating a personal payment number transaction originating from a payer utilizing an allocated personal payment number. For instance, with reference to Fig. 1 and pages 8-10 of the application, structure for initiating a personal payment number transaction includes a processing station 102, which operates in accordance with a stored program to perform a personal payment number transaction in response to a received transaction request. Structure for initiating a personal payment number

transaction may include, for example, a third party electronic payment system (see page 18, lines 2-12) or systems and devices of a bank (see, page 18, lines 13-14). These devices and software for initiating a transaction may include standard credit card terminals or transaction processing software when personal payment number formats conform to existing credit card terminals or devices/software, or devices/software of modified form if a personal payment number format deviates significantly from the standard (see, page 18, lines 8-10 and lines 18-21).

The system includes means for routing the personal payment transaction to a destination based on the routing information included in the allocated personal payment number. For instance, page 8, lines 25-27, and page 18, line 23 to page 19, line 8 of the application describe a credit card transaction network that routes transaction information to specific credit card issuing institutions. This system automatically routes the personal payment number transaction to the appropriate processing center 102 in accordance with the routing information 201. Alternatively, a personal payment number transaction may be routed according to different number formats or other identifiers in a personal payment number (see, page 9, lines 23-24) and/or through any type of network, including any type of public or propriety networks, or some combination thereof (see, page 8, lines 16-24).

The processing system includes means for processing the personal payment number transaction to transfer funds into the account identified in the allocated personal payment number. For instance, the application describes, at page 8, lines 13-14, page 9, lines 25-27, and page 10, lines 22-24, a processing station 102, which may be a general or special purpose computer, implements a program stored in a central processing unit 120 to perform transactions. Alternatively logic used to

perform personal payment number transactions may comprise discrete logic components, or a combination of discrete logic components and computer-implemented control (see, page 10, lines 25-27).

C. Dependent Claim 11

As described in the application, at page 14, lines 22-24, the personal payment number processing system includes means for handling request for a personal payment number, which may include, for example, a logging system for receiving an in-branch request, phone request, mail-in request by post, fax request, or request for a personal payment number via an electronic network. Such logging system may operate to log details such as an account name, the personal payment number and the associated account in which funds are to be lodged (see, page 14, lines 16-18).

The personal payment number processing system also includes means for distributing personal payment numbers. For instance, as shown in Fig. 1 and described starting at page 10, line 3 of the application, a processing station 102 transmits personal payment numbers to customers. For example, a CPU 120 of the processing station controls a local card dispenser 128 to dispense cards 132 and/or a printer 130 to print out personal payment numbers in printed form 136, or they may be distributed via an electronic network by transmitting personal payment numbers to an ATM 108, a personal computer 104, a smart card and/or a wireless device 140.

D. Dependent Claim 12

As discussed at various places in the application (see, for example, the discussion beginning at line 11 of page 9, and the discussion beginning at line 20 of

page 15), the personal payment number processing system includes a secure database 122/124 that stores personal payment numbers. The database 122/124 may be interfaced to allow queries concerning transactions (see, for example, page 20, lines 10-15).

E. Dependent Claim 13

The personal payment number processing system further comprises means for storing personal payment numbers and associated credit/debit accounts as linked accounts. For example, as shown in Fig. 1 and described at page 9, starting at line 11, a processing station 102 includes a "links" database 122 accessible to a processing unit 120. The database 122 includes information regarding links between a personal payment number and an associated account, such as a credit card account or other type of account.

F. Dependent Claim 14

The allocation means of the personal payment number processing system includes means for ensuring that there is no reversible numerical relationship between the personal payment number and an associated credit/debit account. For instance, Figure 3 and page 15, lines 8-13 of the application show and describe a PPN allocation system 302 that ensures that there is no relationship between the PPN and an associated credit/debit card. The allocation system 302 may be implemented, for example, in a credit card processing system and software as described on pages 8-10 of the application and shown in Figure 1 (see, for example, page 8, lines 3-5 and page 22, lines 7-8.)

G. Dependent Claim 15

The means for processing said personal payment number transaction further includes means for validating that a received personal payment number is a valid and issued number and means for identifying the appropriate associated payee account details. For example, a credit card processing system may include software for software receiving the transaction information would validate the PPN number and determine the matching account details (see, page 22, lines 10-12).

H. Dependent Claim 16

The means for processing the personal payment number transaction further includes means for determining how funds are due to be forwarded for a payee and for obtaining required account numbers, means for creating appropriate transaction messages incorporating the determined and obtained account details to be forwarded and an adjusted amount for a fund transfer to be completed by existing bank systems, and means for forwarding the transaction messages onto an existing bank system for completion. For example, Figure 3 shows an exemplary PPN processing system 308, which is described on starting on line 11 of page 19 of the application. The processing system may be implemented, for example, in a credit card processing system and software as described on pages 8-10 of the application and shown in Figure 1 (see, for example, page 8, lines 3-5 and page 22, lines 7-8 and 12).

I. Independent Claim 17

Another aspect of the invention concerns a personal payment number processing method. The method includes allocating personal payment numbers to payees (see, for example, page 15, lines 9-18). Each personal payment number includes routing information and information identifying a payee and identifies an account associated with a payee into which funds can be transferred but from which funds cannot be transferred (e.g., see page 11, lines 19-25). The method further includes initiating a personal payment number transaction originating from a payer utilizing an allocated personal payment number, (e.g., see page 18, lines 1-21), routing said personal payment transaction to a destination based on the routing information included in the allocated personal payment number (e.g., see page 18, line 22 to page 19, line 10); and processing said personal payment number transaction to transfer funds into the account identified in the allocated personal payment number (e.g., see page 19, lines 11 to page 20, line 8).

J. Independent Claim 23

A further aspect of the invention involves a database 122 storing a data structure for facilitating financial transactions in a computer network. As generally described at page 9, lines 11-24, page 13, lines 22-25 and page 15, line 20 to page 17, line 3, a data base includes a plurality of personal payment numbers, each of which includes routing information to direct financial transaction information to a particular institution among a plurality of institutions using a computer network and a unique identifier of a payee (e.g., see page 5, lines 13-19). The database 122 also includes account numbers that are respectively associated with a payee and logically

linked with a respective unique identifier. As described starting at line 9 of page 5, each of the personal payment numbers permits credit transactions but do not permitting debit transactions involving the account in a personal payment number transaction. The database 122 permits a payer originating a personal payment number transaction to access the stored information of personal payment numbers but it does not permit access to an account number of a linked account (see, page 16, lines 8-25).

K. Independent Claim 24

Another aspect of the invention involves a method of processing a one-way credit-only funds transfer in connection with a data processing system for facilitating a financial transaction between a payer and a payee. The system, generally shown in Figure 1 and described starting at line 7 of page 8, uses a personal payment number (PPN) permitting only one-way credit-only funds transfer, and including routing information for directing a personal payment number transaction to a personal payment number site and an identifier unique to a payee (e.g., see page 9, lines 25-27 and page 11, lines 23-25). A payee obtains the personal payment number and communicates the number to a payer prior to the payer initiating a transaction (e.g., see page 13, lines 8-16 and lines 21-25). With reference to the description beginning at page 18, line 23, the method includes receiving a payment message from the payer containing the personal payment number and an amount to be paid in a transaction, creates a transaction message incorporating the personal payment number and the amount to be paid, routes the transaction message to the personal payment number site, modifies the transaction message by replacing

information in the personal payment number with information in a database linked to the personal payment number (e.g., see page 22, lines 24-25), wherein the linked information identifies the account number of the payee and a routing number of a financial institution associated with the payee, and routing the modified transaction message to the financial institution associated with the payee for completion (e.g., see page 22, lines 26-27).

L. Independent Claim 27

The invention also includes a method of implementing a personal payment number transaction in which a personal payment number is communicated to a payer (e.g., see page 6, lines 12-18, page 13, lines 8-16 and page 16, lines 8-14). The personal payment number has a format includes routing information to direct financial transaction information to a particular institution among a plurality of institutions using a computer network, a unique identification of a payee associated with said particular institution, and identifies an account into which funds can be transferred but from which funds cannot be transferred (e.g., see page 5, lines 9-19). The method further includes receiving funds in the account via a personal payment number transaction initiated by the payer (e.g., see page 19, lines 24-26, page 21, lines 4-7, and the description starting at line 16 of page 21).

VI. Grounds of Rejection to be Reviewed

A. Claims 1, 10 and 17 stand rejected under 35 US.C. § 112, second paragraph, as being indefinite.

B. Claims 1-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,903,878 to Talati et al.

VII. Argument

A. The Rejection under 35 U.S.C. § 112, second paragraph, is in Error Because Claims 1, 10 and 17 Particularly and Distinctly Claim the Subject Matter Which Applicants Regard as Their Invention

Page 2 of the final Office Action includes a statement asserting that independent claims 1, 10 and 17 are indefinite. More particularly, the Action states "it is unclear which funds are being transferred into or being received from." (See, the Office Action, page 2.) However, Appellants respectfully dispute any such allegation that independent claims 1, 10 and 17 are indefinite, especially when reading these claims in light of the specification.

Independent claim 1 recites the features of "identifying an account into which funds can be transferred but from which funds cannot be transferred," and each of independent claims 10 and 17 set forth a similar feature in connection with a system and method, respectively. This claimed feature unambiguously recites characteristics of an account that concern permitted and non-permitted transfer of funds. It is respectfully submitted one of ordinary skill in the art would understand that the plain meaning of "an account into which a funds can be transferred ..." is that the transfer of funds (i.e., money) into the account is allowed, and that "but from which funds cannot be transferred" plainly means that the transfer of funds from the account is not allowed.

This claimed feature of identifying an account into which funds can be transferred, but from which funds cannot be transferred, is especially clear when reading this claimed feature in light of the specification. For instance, the specification states "the present invention which represents a new form of credit/debit card with an associated account number that is limited so as to prevent it being used for any purchases – but instead is expressly designed for the purpose of receiving funds." (See, page 5, lines 9-12.)

Additionally, the specification describes examples in which a personal payment number "identifies an account into which funds can be transferred but from which funds cannot be transferred." (See, page 11, lines 23-25.) For instance, a personal payment number may include a format including an identifier identifying the personal payment number as an account into which funds can be transferred but not from which funds can be received. (See, page 11, line 27 to page 12, line 1.)

Another exemplary way of identifying an account into which funds can be transferred but from which funds cannot be transferred described in the specification would be to include routing information which identifies an address associated with accounts limited to receiving funds and not capable of transferring out funds. (See, page 12, lines 4-6.)

The foregoing examples are but a few of a many instances that the specification describes accounts having a "receive-only" characteristic associated with funds transfer.

It is noted that the Examiner suggested amending claims 1, 10 and 17 to recite "but from which funds cannot be transferred out" (emphasis added). (See page 2 of the final Office Action.) However, Appellants submit that appealed claims

1, 10 and 17 already implicitly recite such suggested language. That is, the features of "identifying an account number into which funds can be transferred but from which funds cannot be transferred" already imply that funds cannot be transferred *out* of an account because the account is an "account ... *from which* funds cannot be transferred." The suggested amendment, therefore, would not serve to transform indefinite claimed subject matter into definite subject matter, as alleged, but would only add redundant subject matter to presently definite recitations. However, should the Examiner consider this issue to be the *only* impediment to the issuance this application, he is hereby authorized to insert "out" after "but from which funds cannot be transferred" in each of independent claims 1, 10 and 17.

For at least these reasons, the claim language set forth in independent claims 1, 10 and 17 particularly and distinctly claims subject matter that Appellants regard as their invention. Accordingly, the rejection under Section 112, second paragraph, should be reversed.

B. The Section 102 Rejection of Claims 1-34 is in Error Because the Talati et al. Patent Fails to Disclose All Claimed Elements/Steps

MPEP § 2131 and the caselaw cited therein instructs that to anticipate the claimed invention, the cited document must disclose each and every feature set forth in the claimed combination of features. The rejection based on the Talati et al. patent cannot stand because Talati et al. fails to either expressly or inherently disclose a number of features recited in independent claims 1, 10, 17, 23, 24 and 27.

Additionally, the dependent claims recite combinations of features defining separately patentable subject matter also not disclosed in the Talati et al. patent.

The differences between the rejected claims and what is disclosed in the Talati et al. patent become apparent in the following detailed analysis of this document and the representative claims.

1. Independent Claims 1, 10, 17 and 27

Independent claims 1, 10, 17 and 27 each recites, among other features, a common distinction from the Talati et al. patent: a personal payment number identifying an account into which funds can be transferred but from which funds cannot be transferred. With respect to this claimed feature, the Examiner asserts that column 2, line 51 to column 3, line 60 of the Talati et al. patent allegedly discloses "a unique identification of a payee associated with said particular institution, wherein said personal payment number identifying an account into which funds can be transferred but from which funds cannot be transferred." (See, page 3, lines 8-10.) It is respectfully submitted, however, that the description relied upon from Talati et al. fails to disclose any particular characteristic related to restrictions on fund transfers with respect to an account associated with a payee, much less *a personal payment number identifying an account into which funds can be transferred but from which funds cannot be transferred*, as recited in the context of claims 1, 10, 17 and 27.

The Talati et al. patent describes accounts associated with two entities: a "client" 50 ("transaction originator," "purchaser," "user," "requester" or "account holder") (see, column 1, lines 59-60 and column 4, lines 56-57), and a "recipient" 55 ("merchant," "service provider," "vendor," or "payee") (see, column 1, lines 63-65 and column 4, lines 49 and 63). However, Talati et al. does not mention details of a

payee's account other than that after validation or confirmation of a transaction, the client 50 and recipient 55 complete the transaction by transferring funds to the proper accounts (see, column 5, lines 30-32 and column 6, lines 40-43 and column 7, lines 59-60).

Furthermore, the Talati et al. patent even mentions *refunds* in connection with payment transactions (column 1, lines 21-23). Hence, in addition to not disclosing an account into which funds can be transferred but from which funds cannot be transferred, as claimed, Talati et al. actually appears to suggest the opposite (i.e., that funds can be transferred *out* of a payee's account).

For at least these reasons, the rejection of independent claims 1, 10, 17 and 27 is improper because the Examiner has failed to establish a *prima facie* case of anticipation. Accordingly, the rejection of claims 1, 10, 17 and 27 is improper and should be reversed.

In addition to the fundamental distinction noted above, the claim 1 combination recites other features not disclosed in the Talati et al. patent. For instance, claim 1 recites, among other features, that a memory comprises a data structure including a personal payment number format, and that the personal payment number format comprises routing information to direct financial transaction information to a particular institution among a plurality of institutions using a computer network *and a unique identification of a payee associated with the particular institution*. In connection with these features, the Office Action refers to Figure 3, the unique transaction identifier (UTID) 331, and column 2, line 51 to column 3, lines 60 of Talati et al. However, in the parts of Talati et al. relied upon for allegedly disclosing these features, Talati et al. states "a unique transaction identifier

that has been generated by the originator ... is uniquely associated with the particular purchase transaction" (emphasis added). (See, column 3, lines 16-19.) For instance, the specific example of a UTID, which is described in column 9, lines 48-57 of Talati et al., does not mention a number format that includes a unique identification of a payee associated with a particular institution as claimed. In contrast, Talati et al. describes a UTID of the form: #[TYPE][UNIQUE SEQUENCE NUMBER][ORIGINATOR E-MAIL ADDRESS], which identifies the type of transaction, a unique sequence number generated by the e-mail control system 300, and the originator's e-mail address. The UTID of Talati et al. does not, however, constitute a number format comprising a unique identification of a payee associated with a particular institution as claimed. Hence, the Talati et al. patent fails to disclose the specific number format recited in claim 1, and similarly recited in independent claim 27.

A similar distinction is recited in independent claim 10. For instance, claim 10 recites, "each personal payment number including routing information and *information identifying a payee*. As pointed out above, the unique transaction identifier 331 of Talati et al. does not appear to include any information identifying a payee as claimed. Moreover, claim 10 recites means for processing said personal payment number transaction to transfer funds into *the account identified in the allocated personal payment number*. However, the Talati et al. patent does not mention any personal payment number that identifies an account associated with a payee. These distinctions are also brought out in process format in independent claim 17.

Hence, for these additional reasons, the Talati et al. patent fails to disclose each and every limitation set forth in independent claims 1, 10, 17 and 27, and hence also in claims depending from these independent claims.

2. Dependent Claim 2

The invention as recited in claim 2 specifies that a personal payment number format comprises an identifier identifying said personal payment number as an account into which funds can be transferred but not from which funds can be received. For instance, the application describes exemplary forms of stored personal payment numbers in which an identifier may be included in the number format (e.g., see Fig. 2 and page 11, line 26 to page 12, line 3). In connection with these claimed features, the final Office Action cites column 4, line 46 to column 5, line 50 and column 6, line 33 to column 8, line 48 of the Talati et al. patent. Applicants have carefully reviewed the parts of Talati et al. relied upon and submit that the disclosure therein does not mention any account into which funds can be transferred but not from which funds can be received, much less an identifier that identifies a personal payment number as this type of account. It is respectfully requested that the Examiner point to specific lines within the numerous columns cited and explain his basis for the alleged disclosure of an identifier as claimed.

3. Dependent Claim 3

Claim 3 depends from claim 1 and is allowable at least because it incorporates the allowable features pointed out above with respect to claim 1. Claim 3 further recites that the routing information of the personal payment number format

identifies an address associated with accounts limited to receiving funds and not capable of transferring out funds. For example, page 12, lines 4-6 of the application describes routing information that identifies an address associated with accounts limited to receiving funds and not capable of transferring out funds. With respect to these claimed features, the Action mentions only item "315" of the Talati et al. patent. (See, page 3, lines 14-15.) Item 315 is described starting at line 48 of column 8 in of the Talati et al. patent as a mailbox database that includes a plurality of e-mail records 330. It is respectfully submitted, however, that the mailbox database 315 of Talati et al. does not disclose routing information of a personal payment number format identifies an address associated with accounts limited to receiving funds and not capable of transferring out funds.

According to the Talati et al. patent, "various parts of the e-mail record 330 will have a specific format to enable identification of an electronic commerce transaction and extraction of relevant data from the e-mail record" (column 9, lines 11-15). However, nowhere does the Talati et al. document mention that routing information identifies an address associated with accounts limited to receiving funds and not capable of transferring out funds. Because this feature is not described in the Talati et al. patent, Talati et al. cannot anticipate claim 3. Accordingly, the rejection of claim 3 should be reversed.

4. Dependent Claim 4

Claim 4 depends from independent claim 1 and is allowable at least because it incorporates the allowable features pointed out above with respect to claim 1. Claim 4 further recites that routing information of a personal payment number format

includes a bank identification number (BIN). In connection with this claimed feature, the Examiner refers to "banking system 60" (see, page 3, lines 16-17). However, even if one were to assume, for the sake of argument, that the transaction system 60 were to include routing information *per se*, such an assumption would not necessarily describe a BIN that is included in a *personal payment number format* as claimed. For instance, the only specific mention of routing information in Talati et al. is from column 9, lines 7-10, in which the contents of an e-mail record are described as follows: "The recipient address 340, subject matter 345 and contents 348 provide routing and content information to the e-mail delivery system 305." However, this e-mail message does not disclose, either explicitly or inherently so, a *personal payment number format* including routing information in the form of a BIN *and* a unique identification of a payee *identifying an account into which funds can be transferred but from which funds cannot be transferred*, as claimed.

5. Dependent Claims 5-9

Each of Appellants' dependent claims 5-9 depend from claim 1, and hence each incorporates the claim 1 combination of features considered allowable over the Talati et al. patent for at least for the reasons pointed out above. Moreover, these dependent claims recite additional advantageous features that further distinguish over the Talati et al. patent.

For example, claim 5 recites that the personal payment number is formatted in accordance with standard credit/debit card formats. Examples of such formats are described in the application, for instance, at page 12, lines 7-10, which describes a

personal payment number format including 16 to 19 digits in accordance with existing credit/debit card format.

Dependent claim 6 recites that a personal payment number is formatted to be distinct from standard credit/debit card formats.

Dependent claim 7 sets forth another aspect of a personal payment number that involves having a format unique among standard credit/debit card formats. For instance, as discussed starting on line 28 of page 12, a personal payment number includes format unique among existing credit/debit card formats but remaining within standards for processing within existing processing systems.

As recited in dependent claim 8, a personal payment number format includes a verification code. Dependent claim 9 further specifies that the verification code be selected from a group consisting of a checksum number and a cnn2 code. For example, as described in column 12, lines 10-14 and column13, lines 4-6 of the application, including a verification code in a personal payment number allows for its use in networks including such verification processes.

Appellants submit that the Talati et al. patent does not disclose the features recited in dependent claim 5-9. Furthermore, the statements of the rejection set forth on page 3 of the Action fail to mention any of the features recited in dependent claims 5-9. Therefore, the rejection of these claims is improper and should be reversed.

6. Independent Claim 23

Independent claim 23 is directed to a *database* having stored therein a data structure for facilitating financial transactions in a computer network. The database

comprises a plurality of personal payment numbers, each of which comprises routing information to direct financial transaction information to a particular institution among a plurality of institutions using a computer network and a unique identifier of a payee, and account numbers, each respectively associated with a payee and logically linked with a respective identifier. As set forth in claim 23, each personal payment number permits credit transactions, but does not permit debit transactions involving the account in a personal payment number transaction. Claim 23 further recites that the database permits a payer originating a personal payment number transaction to access the stored information of personal payment numbers but not permitting access to an account number of a linked account. It is respectfully submitted that there is no disclosure in the Talati et al. patent of the database as claimed.

With respect to the above combination of features recited in independent claim 23, the final rejection merely discusses the claimed limitations in general terms, with broad, vague references to the Talati et al. patent. It fails to identify how the reference discloses a number of the specific features of the claim. For instance, in the statements of the rejection set forth on page 3, lines 9-10 of the Action, the Examiner asserts column 2, line 51 to column 3, line 60 of Talati et al. purportedly discloses a personal payment number identifying an account into which funds can be transferred but from which funds cannot be transferred. However, even assuming, *arguendo*, that this statement by the Examiner's is directed to the actual claim language "each said personal payment number permits credit transactions but not permitting debit transactions involving the account in a personal payment number transaction," for reasons similar to those discussed above, the relied upon description in Talati et al. does not meet the recited features of claim 23. As pointed

out above, the Talati et al. patent does not discuss the particular restrictions concerning a payee's account that relate to permitting credit transactions, but not debit transactions.

Additionally, claim 23 recites a number of other features not disclosed in the Talati et al. patent. For instance, Talati et al. does not describe the claimed database that includes, among other features, account numbers associated with respective payees and logically linked with a respective unique identifier of a personal payment number. Talati et al. further does not disclose that a database permits a payer to access the stored information of personal payment numbers but does not permit payer access to an account number of a linked account, as claimed.

For at least these reasons, the Talati et al. patent fails to anticipate the combination of specific features recited in independent claim 23. As such, claim 23 is allowable.

Furthermore, it is respectfully submitted that the Action is not clear on how the Talati et al. patent is being interpreted to disclose the combination of features set forth in claim 23. Should the Examiner maintain this rejection, it is respectfully requested that he point out with particularity the disclosure in Talati et al. of each recited limitation of claim 23, along with an explanation of claimed features alleged to be described which are not explicitly mentioned. Absent such showing, Appellants submit that the rejection is improper and should be reversed.

7. Independent Claim 24

Independent claim 24 is directed to a method of processing a one-way credit-only funds transfer in a data processing system for facilitating a financial transaction

between a payer and a payee using a personal payment number permitting only one-way credit-only funds transfer. The personal payment number includes routing information for directing a personal payment number transaction to a personal payment number site and an identifier unique to a payee, wherein prior to a payer-initiated transaction a personal payment number is obtained by a payee and communicated to a payer. Claim 24 recites that the method comprises receiving a payment message that contains the personal payment number and an amount to be paid in a transaction from the payer, creating a transaction message incorporating the personal payment number and the amount to be paid, routing the transaction message to the personal payment number site, modifying the transaction message by replacing information in the personal payment number with information in a database linked to the personal payment number, and routing the modified transaction message to the financial institution associated with the payee for completion. Claim 24 defines that the linked information identifies the account number of the payee and a routing number of a financial institution associated with the payee. Appellants submit that claim 24 is allowable, if for no other reason that the Examiner failed to mention with any degree of clarity the claimed combination of features, and to show where the Talati et al. patent allegedly discloses these features. As such, Appellants submit that the Examiner has failed to establish a *prima facie* case of anticipation.

Additionally, Appellants submit that Talati et al. does not describe the combination of all features recited of claim 24. For instance, the Talati et al. patent fails to describe, among other claimed features, a personal payment number permitting *only* one-way credit-only funds transfer. Talati et al. also does not

mention the claimed features of a personal payment number site and modifying a transaction message by replacing information in the personal payment number with information in a database linked to the personal payment number. Another feature not disclosed in Talati et al. involves a payee obtaining a personal payment number *prior to a payer-initiated transaction*. By contrast, the UTID (i.e., identifier 331) of Talati et al., which is alleged in the Action to be a personal payment number, is generated by the client (i.e., the payer), and not obtained by the payee and communicated to a payer as claimed. These are but a few of several features recited in claim 24 not described in the Talati et al. patent.

For at least these reasons, the rejection of claim 24 should be reversed.

8. The Remaining Dependent Claims

Each of the remaining claims 11-22, 25, 26 and 28-34 depends from one of independent claims 10, 24 and 27, and therefore is patentable at least for the reasons given above. In addition, Appellants submit these dependent claims recite combinations including additional features not described in the Talati et al. patent. It is to be noted that the Office Action fails to even remotely discuss the features set forth in the dependent claims 11-22, 25, 26 and 28-34. For example, as discussed above in the invention summary, claims 11-16 each recite various means for carrying out functions of a personal payment number processing system. However, the Examiner does not mention any of these claimed features in the final Office Action.

In this regard, pursuant to MPEP § 713.09 the undersigned contacted Examiner Pwu on July 21, 2004, in an attempt to schedule an interview concerning the final Office Action. The Examiner was informed that the purpose of the interview

was to obtain clarification of the rejection with regard to numerous claimed elements, as well as entire claims, that were not mentioned in statements of the rejection of the final Action. The Examiner, however, refused to grant an interview. As a result, Appellants are left with little or no insight into the Examiner's interpretation of the Talati et al. patent and how he views this patent to allegedly describe each and every claimed feature not mentioned in the Action. Clearly, this is not within the meaning of establishing a *prima facie* case of anticipation under Section 102.

Absent a showing to the contrary, claims 11-22, 25, 26 and 28-34 are considered to define separately patentable subject matter not described in the Talati et al. patent, and as such, the rejection of these dependent claims is improper and should be reversed.

VIII. Conclusion

For the reasons discussed above, Appellants respectfully submit that the Examiner's decision finally rejecting Claims 1-34 should be reversed and such action is earnestly solicited.

Respectfully submitted,

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CLAIMS APPENDIX

The Appealed Claims

Claim 1. A memory for storing data for facilitating a financial transaction originating from a payer in a computer network, comprising:

a data structure for access by a payer to initiate a financial transaction originating from the payer, said data structure including a personal payment number format comprising:

routing information to direct financial transaction information to a particular institution among a plurality of institutions using the computer network; and

a unique identification of a payee associated with said particular institution, wherein said personal payment number identifying an account into which funds can be transferred but from which funds cannot be transferred.

Claim 2. The memory according to claim 1, said personal payment number format further comprising an identifier identifying said personal payment number as an account into which funds can be transferred but not from which funds can be received.

Claim 3. The memory according to claim 1, wherein said routing information identifies an address associated with accounts limited to receiving funds and not capable of transferring out funds.

Claim 4. The memory according to claim 1, wherein said routing information includes a bank identification number (BIN).

Claim 5. The memory according to claim 1, wherein said personal payment number is formatted in accordance with standard credit/debit card formats.

Claim 6. The memory according to claim 1, wherein said personal payment number is formatted to be distinct from standard credit/debit card formats.

Claim 7. The memory according to claim 1, wherein said personal payment number is formatted to be unique among standard credit/debit card formats.

Claim 8. The memory according to claim 1, said format further comprising a verification code.

Claim 9. The memory according to claim 8, wherein said verification code is selected from a group consisting of a checksum number and a cvv2.

Claim 10. A personal payment number processing system comprising:

means for allocating personal payment numbers to payees, each personal payment number including routing information and information identifying a payee, wherein said personal payment number identifying an account associated with a payee into which funds can be transferred but from which funds cannot be transferred;

means for initiating a personal payment number transaction originating from a payer utilizing an allocated personal payment number;

means for routing a said personal payment transaction to a destination based on the routing information included in the allocated personal payment number; and means for processing said personal payment number transaction to transfer funds into the account identified in the allocated personal payment number.

Claim 11. The personal payment number processing system according to claim 10, further comprising:

means for handling request for a personal payment number; and

means for distributing personal payment numbers.

Claim 12. The personal payment number processing system according to claim 10, further comprising interfacing with a secure personal payment number database to allow queries about transactions.

Claim 13. The personal payment number processing system according to claim 10, further comprising means for storing personal payment numbers and associated credit/debit accounts as linked accounts.

Claim 14. The personal payment number processing system according to claim 10, wherein said allocation means includes means for ensuring that there is no reversible numerical relationship between the personal payment number and an associated credit/debit account.

Claim 15. The personal payment number processing system according to claim 10, wherein said means for processing said personal payment number transaction further includes:

means for validating that a received personal payment number is a valid and issued number, and means for identifying the appropriate associated payee account details.

Claim 16. The personal payment number processing system according to claim 10, wherein said means for processing said personal payment number transaction further includes:

means for determining how funds are due to be forwarded for a payee and for obtaining required account numbers,

means for creating appropriate transaction messages incorporating the determined and obtained account details to be forwarded and an adjusted amount for a fund transfer to be completed by existing bank systems, and

means for forwarding the transaction messages onto an existing bank system for completion.

Claim 17. A personal payment number processing method comprising:

allocating personal payment numbers to payees, each personal payment number including routing information and information identifying a payee, wherein said personal payment number identifying an account associated with a payee into which funds can be transferred but from which funds cannot be transferred;

initiating a personal payment number transaction originating from a payer utilizing an allocated personal payment number;

routing said personal payment transaction to a destination based on the routing information included in the allocated personal payment number; and

processing said personal payment number transaction to transfer funds into the account identified in the allocated personal payment number.

Claim 18. The personal payment number processing method according to claim 17, further comprising:

handling request for a personal payment number; and

distributing personal payment numbers.

Claim 19. The personal payment number processing method according to claim 17, further comprising storing personal payment numbers and associated credit/debit accounts as linked accounts.

Claim 20. The personal payment number processing method according to claim 17, wherein said step of processing said personal payment number transaction further includes:

validating that a received personal payment number is a valid and issued number, and

identifying the appropriate associated payee account details.

Claim 21. The personal payment number processing system according to claim 10, wherein said means for processing includes means for determining an account number based on said identifying information.

Claim 22. The personal payment number processing method according to claim 17, wherein said processing includes determining an account number based on said identifying information.

Claim 23. A database having stored therein a data structure for facilitating financial transactions in a computer network, comprising

a plurality of personal payment numbers, each of which comprises:

routing information to direct financial transaction information to a particular institution among a plurality of institutions using a computer network; and

a unique identifier of a payee; and

account numbers, each account number respectively associated with a payee and logically linked with a respective unique identifier; wherein

each said personal payment number permitting credit transactions but not permitting debit transactions involving the account in a personal payment number transaction, and

said database permitting a payer originating a personal payment number transaction to access the stored information of personal payment numbers but not permitting access to an account number of a linked account.

Claim 24. In a data processing system for facilitating a financial transaction between a payer and a payee using a personal payment number permitting only one-way credit-only funds transfer, said personal payment number comprising routing information for directing a personal payment number transaction to a personal payment number site and an identifier unique to a payee, wherein prior to a payer-initiated transaction a personal payment number is obtained by a payee and

communicated to a payer, a method of processing a one-way credit-only funds transfer comprising:

receiving a payment message from the payer, said payment message containing the personal payment number and an amount to be paid in a transaction;

creating a transaction message incorporating the personal payment number and the amount to be paid;

routing the transaction message to the personal payment number site;

modifying the transaction message by replacing information in the personal payment number with information in a database linked to the personal payment number, wherein the linked information identifies the account number of the payee and a routing number of a financial institution associated with the payee; and

routing the modified transaction message to the financial institution associated with the payee for completion.

Claim 25. The method of claim 24, wherein the database stores personal payment number information pertaining to a plurality of payees and respective linked financial institutions.

Claim 26. The method of claim 24, further comprising:

at the personal payment number site, validating the received personal payment number information against information stored in the database, wherein if the personal payment number is not valid, then not performing the modifying and the routing of the transaction message.

Claim 27. A method of implementing a personal payment number transaction comprising:

communicating a personal payment number to a payer, said personal payment number having a format comprising:

routing information to direct financial transaction information to a particular institution among a plurality of institutions using a computer network, and

a unique identification of a payee associated with said particular institution, wherein said personal payment number identifying an account into which funds can be transferred but from which funds cannot be transferred; and

receiving funds in the account via a personal payment number transaction initiated by the payer.

Claim 28. The method of claim 27, wherein the personal payment number is communicated by way of an invoice requesting payment of goods or services provided.

Claim 29. The method of claim 27, wherein the personal payment number is communicated by way of displaying the number within a webpage.

Claim 30. The method of claim 27, wherein the personal payment number is communicated by way of email.

Claim 31. The method of claim 27, wherein the personal payment number is communicated to the payer by way of the payer accessing a database including a directory of personal payment numbers.

Claim 32. The method of claim 27, wherein the personal payment number is communicated by way of documentation or program code of a software package.

Claim 33. The method of claim 27, wherein the personal payment number is communicated by way of an ATM.

Claim 34. The method of claim 27, comprising:

forwarding transaction information including the personal payment number and a transaction amount from the payer to a financial institution associated with the payer;

creating a transaction message containing the account details of the payer, the personal payment number, and the transaction amount;

routing the transaction message to the particular financial institution indicated by the routing information; and

accessing a database having a data structure linking an account number of the account with information of the personal payment number.

EVIDENCE APPENDIX

(None)

RELATED PROEEDINGS APPENDIX

(None)